

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 7855 (Application 6720)
Estate of Betty Stiles Hinrichs

ORDER REVOKING LICENSE

SOURCE: Trabuco Creek tributary to San Juan Creek

COUNTY: Orange

You are hereby notified, pursuant to Water Code section 1675 et seq., that the State Water Resources Control Board (State Water Board) is revoking License 7855 because the Licensee has ceased to put the water granted under the license to a useful or beneficial purpose.

The facts and information upon which the revocation is based are as follows:


1. The State Water Board issued License 7855 on August 4, 1966. The Division of Water Rights' (Division) records show Luis P. Robinson (Licensee) as the owner of License 7855. The license authorizes the Licensee to divert:
 - (A) 0.03 cubic foot per second by direct diversion to be diverted from April 1 to October 15 of each year and throughout the remainder of the year as required for domestic, stockwatering, recreational and fire protection uses, and
 - (B) 8.6 acre-feet per annum by storage to be collected from January 1 to December 31 of each year.

The maximum rate of diversion to off-stream storage has been 0.03 cubic foot per second.
The maximum withdrawal in any one-year under this right has been 8 acre-feet.
2. The license was assigned to: (a) James E. Robinson on November 29, 1968 (b) Ridgewood Development, Inc. on April 22, 1982 and (c) Estate of Betty Stiles Hinrichs, c/o Samuel Porter, executor on September 1, 1987.
3. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."
4. The Division has no records to show that any water has been diverted under License 7855 since June 21, 1987, when the triennial report of Licensee for 1984, 1985, 1986 was filed.

5. The Licensee did not pay the annual fees for fiscal year 2003-04, 2004-05, and 2005-06.
6. Parcel Quest indicates that the place of use for License 7855 has been developed as a subdivision and the reservoir no longer exists.
7. Based on the above facts, the Division concludes that Licensee has not, or has ceased to, put the water granted under License 7855 to a useful or beneficial purpose.
8. Licensee has not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.
9. On June 3, 2008, Licensee was provided notice by certified mail of the proposed revocation. The notice provided the Licensee the opportunity to object to the proposed revocation and request a hearing.
10. The Licensee did not submit a request for a hearing to the Division.
11. The State Water Board has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

Therefore, it is ordered that License 7855 is hereby revoked by the State Water Board pursuant to Water Code section 1675, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

ORIGINAL SIGNED BY
STEVE HERRERA FOR

Dated:

AUG 20 2008



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 6720

PERMIT 3842

LICENSE 7855

THIS IS TO CERTIFY, That

Louis P. Robinson
Box 325

Trabuco Canyon, California 92678

Notice of Change (Over)

has made proof as of April 2, 1965,

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Trabuco Creek (Trabuco Canyon) in Orange County

tributary to San Juan Creek

for the purpose of domestic, irrigation, stockwatering, recreational and fire protection uses.
under Permit 3842 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from July 7, 1930
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed (A) Three hundredths (0.03)

cubic foot per second by direct diversion to be diverted from about April 1 to about
October 15 of each year and throughout the remainder of the year as required for
domestic, stockwatering, recreational and fire protection uses, and (B) Eight and
six-tenths (8.6) acre-feet per annum by storage to be collected from January 1 to
December 31 of each year.

The maximum rate of diversion to off-stream storage has been three hundredths (0.03)
cubic foot per second.

The maximum withdrawal in any one year under this right has been 8 acre-feet.

The point of diversion of such water is located :

South three thousand three hundred twenty-seven (3327) feet and east five thousand
eight hundred sixty (5860) feet from NW corner of Section 6, T6S, R6W, SBB&M,
being within Lot 16 of Section 5, T6S, R6W, SBB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

Domestic use within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13, T6S, R7W, SBB&M. Stockwatering,
recreational and fire protection uses at the reservoir within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Section 13, T6S, R7W, SBB&M. Stockwatering within Lot 1, Section 14, T6S, R7W, SBB&M.

Irrigation of:

10 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13, T6S, R7W, SBB&M
30 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13, T6S, R7W, SBB&M
20 acres within Lot 1 of Section 14, T6S, R7W, SBB&M
60 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

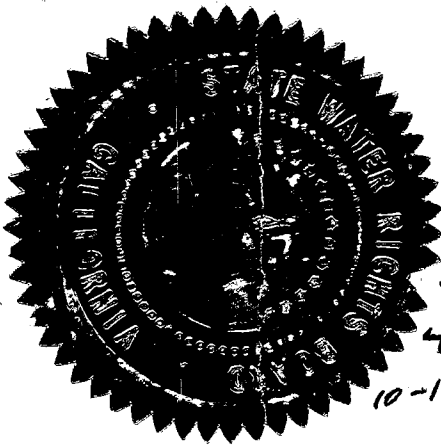
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in relation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of the license granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the water occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain.

Dated: AUG 4 1966



L. K. Hill
L. K. Hill
Executive Officer

11/22/68 PROPER NOTICE OF ASSIGNMENT TO *James E. Hill*
4-22-82 Asgd to Ridgewood De.
10-1-87 asgd to Estate of Betty Stiles

LICENSE 7855

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Louis P. Robinson

DATED AUG 4 1966